

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

CARLOS CHACON, Plaintiff	§ § § §	
V.	§ § § §	Case No. 1:12-CV-226-SS
THE CITY OF AUSTIN TEXAS, OFFICER ERIC COPELAND and OFFICER RUSSELL ROSE, Defendants	§ § § §	

**DEFENDANTS ROSE'S AND COPELAND'S NOTICE OF INTERLOCUTORY APPEAL**

TO THE HONORABLE SAM SPARKS, UNITED STATES DISTRICT JUDGE:

Notice is hereby given that Defendants, Russell Rose and Eric Copeland, appeal to the United States Court of Appeals for the Fifth Circuit, from the Order entered by the district court on May 21, 2013, denying summary judgment, based upon Defendants' entitlement to the affirmative defense of qualified immunity for claims brought against them under 42 U.S.C. §1983. This appeal is filed pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure, and pursuant to 28 U.S.C. § 1291, under the collateral order doctrine.

Defendants Rose and Copeland will be the appellants in the appeal before the United States Court of Appeals for the Fifth Circuit.

RESPECTFULLY SUBMITTED,

KAREN M. KENNARD, CITY ATTORNEY  
MEGHAN L. RILEY, CHIEF, LITIGATION

\s\ Christopher Coppola

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ATTORNEYS FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

This is to certify that I have served a copy of the foregoing *Defendants Rose's and Copeland's Notice of Interlocutory Appeal* on all parties, or their attorneys of record, in compliance with the Federal Rules of Civil Procedure, this 12<sup>th</sup> day of June, 2013.

**Via electronic filing system of the Court:**

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**Via Regular U.S. Mail:**

Richard C. Fry  
48 East Avenue  
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\s\ Christopher Coppola

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CHRISTOPHER COPPOLA